

Attorney's Docket No.: 15916-024004 / 441.3 CON

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tom Knapp et al.

Art Unit : 1641

Serial No. : 09/759,629

Examiner : Gailene R. Gabel

Filed : January 12, 2001

Title : PHOTON REDUCING AGENTS FOR FLUORESCENCE ASSAYS

Office of Petitions

600 Dulany Street

Madison East - 1st Floor

Alexandria, VA 22313

**FAX RECEIVED**

MAY 20 2005

PETITION TO WITHDRAW FROM ISSUANCE UNDER 37 C.F.R. § 1.313(c)(2) **OFFICE OF PETITIONS**

Applicants hereby petition under §1.313(c)(2) for the withdrawal of this application from issue to permit consideration of an Information Disclosure Statement filed in a Request for Continued Examination application filed herewith. The issue fee was paid on January 10, 2005.

The Information Disclosure Statement is being filed to allow consideration of references not previously before the Examiner in this case. The references were brought to the Applicants' attention in a European Opposition proceeding.

A Request for Continued Examination of this application under §1.114 is being filed simultaneously herewith, and is intended to continue this application on the grant of this petition.

Enclosed is a check for \$130.00 in payment of the petition fee required by 1.17(h).

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 5/20/05

Teresa A. Lavoie, Ph.D.

Reg. No. 42,782

Fish &amp; Richardson P.C., P.A.

60 South Sixth Street

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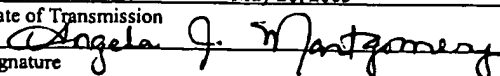
## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

May 20, 2005

Date of Transmission

Signature



Angela J. Montgomery

Typed or Printed Name of Person Signing Certificate

Attorney's Docket No.: 15916-024004

Client's Ref. No.: 441.3 CON

**OFFICIAL COMMUNICATION FACSIMILE:**  
**TO THE IMMEDIATE ATTENTION OF IRVIN DINGLE**  
**OFFICE OF PETITIONS**  
**OFFICIAL FAX NO: (571) 273-0025**  
**TELEPHONE NO: (571) 272-3210**

Number of pages including this page 40

Applicant : Tom Knapp et al.  
Serial No. : 09/759,629  
Filed : January 12, 2001

Art Unit : 1641  
Examiner : Gailene R. Gabel

**FAX RECEIVED****MAY 20 2005**

Title : Photon Reducing Agents for Fluorescence Assays

**OFFICE OF PETITIONS**

Dear Examiner Dingle,

Per my conversation with Examiner Gabel this morning (May 20, 2005), we were instructed to fax you the attached Petition to Withdraw from Issuance and associated documents (RCE and IDS). Applicants became aware of the references cited in the attached IDS in a European Opposition proceeding; the cited references have not been considered by the Examiner in this case.

The issue fee in the above-referenced case was paid on January 10, 2005. We note that the PAIR status of this case indicates that processing of this application by the Tech Center was completed on April 1, 2005. As we are uncertain as to when this case will issue, we are faxing this request for immediate attention and processing.

Attached to this facsimile communication cover sheet is a Transmittal Letter; Request for Continued Examination; Petition to Withdraw from Issuance; Information Disclosure Statement; Form PTO-1449; and six (6) documents cited, all faxed this 20<sup>th</sup> day of May, 2005, to the United States Patent and Trademark Office.

**NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at (612) 335-5070 to arrange for its return. Thank you.**

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me directly at 612-766-2006.

Respectfully submitted,

Date: May 20, 2005

A handwritten signature in cursive script, reading "Teresa A. Lavoie".

Teresa A. Lavoie, Ph.D.

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Attorney's Docket No.: 15916-024004 / 441.3 CON

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tom Knapp et al.                      Art Unit : 1641  
Serial No. : 09/759,629                      Examiner : Gailene R. Gabel  
Filed : January 12, 2001  
Title : PHOTON REDUCING AGENTS FOR FLUORESCENCE ASSAYS

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Alexandria, VA 22313

TRANSMITTAL LETTER

Applicants hereby petition to withdraw the above application from issuance. Enclosed herewith are the following documents:

- Petition to Withdraw from Issuance (2 pages);
- Information Disclosure Statement (1 page);
- Form PTO-1449 (1 page);
- Cited References (6 documents);
- Request for Continued Examination (1 page); and
- Official Fax Letter (2 pages).

**FAX RECEIVED**


MAY 20 2005

**OFFICE OF PETITIONS**

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 5/20/05

  
Teresa A. Lavoie, Ph.D.  
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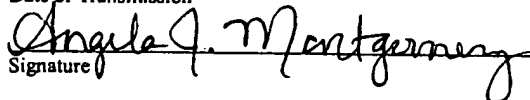
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